



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

DIRECTOR'S ORDER NO: 152

Subject: Allowable Recreational Activities and Related Facilities on Federal Assistance Lands

Sec. 1 What is the purpose of this Order? This Order provides guidance on recreational activities conducted and related facilities constructed on lands acquired, developed, or managed with Federal Assistance funds under the Sport Fish and Wildlife Restoration Programs.

Sec. 2 To whom does this Order apply? This Order applies to all Service personnel who administer (concur or approve) grants funded through the Sport Fish and Wildlife Restoration Programs.

Sec. 3 To what lands does this guidance apply? These guidelines apply to the following, unless otherwise mutually agreed to by the State fish and wildlife agency and the Service and specified in the grant documents:

- a. Lands acquired with Federal Assistance funds, regardless of when the lands were acquired.
- b. Any improvement on lands that were developed with Federal Assistance funds, as long as such improvement continues to be needed or useful for its original purpose.
- c. Any Federal Assistance-funded management activities during the defined grant period.

Sec. 4 What are the authorities for taking this action?

- a. 16 U.S.C. 777.
- b. 16 U.S.C. 669.
- c. 43 CFR 12.71b.
- d. 50 CFR 80.5.
- e. 50 CFR 80.14(b)
- f. 50 CFR 80.18(c)
- g. 50 CFR 80.21

Sec. 5 What recreational activities and related facilities are allowed on lands acquired, developed, or managed with Federal Assistance funds? The State fish and wildlife agency determines what recreational activities and related facilities are allowed on Federal Assistance supported lands, within the bounds of the following guidance.

a. The State fish and wildlife agency is prohibited from allowing recreational activities and related facilities that would interfere with the purpose for which the land was acquired or developed, or is managed. This means that the State fish and wildlife agency may not allow an activity or facility that will interfere with the fulfillment of the restoration, conservation, management, and/or enhancement grant objectives for sport fish, wild birds, or wild mammals on the area.

b. As required by law, grants to acquire, develop, or manage lands must have a purpose consistent with the Wildlife Restoration or Sport Fish Restoration Acts. Sport fish or wildlife dependent activities (e.g. hunting, fishing, wildlife photography, or viewing platforms) would frequently be associated with the purpose for which the land was acquired, developed, or managed, and, therefore, such activities would generally be allowed, because they would not interfere with such purpose. Recreational activities and related facilities that are not sport fish or wildlife dependent (e.g. bicycling, swimming, rock climbing, kennels, stables, horseback riding, weddings) may be allowed if it is shown they will not interfere with the purpose for which the land was acquired or developed, or is managed.

Sec. 6 Are costs attributable to recreational activities on lands acquired, developed, or managed with Federal Assistance funds eligible for Federal Assistance funding? The standard for an “allowable” recreational activity or related facility is separate and distinct from the standard to determine whether or not the associated costs are eligible for Federal Assistance funding. A State fish and wildlife agency may only be awarded a grant if the grant is consistent with the purposes of the Wildlife Restoration or Sport Fish Restoration Acts; and the agency may only recover costs attributable to recreational activities if the activity or facility is (1) allowable as defined in Section 5 and (2) specified in the grant agreement.

Sec. 7 What is the Service’s authority to review compliance with this guidance? The State fish and wildlife agency has responsibility for the accountability and control of all assets, and has first responsibility to determine if a recreational activity or related facility interferes with the purpose for which the land was acquired or developed, or is managed [50 CFR 80.18]. However, the Service has the right to review or inspect at any time to ensure compliance with Section 5 [50 CFR 80.21].

Sec. 8 Must recreational activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds be included in the grant documents? A description of recreational activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds does not need to be included in grant documents as long as: (1) the decision as to what recreational activities and related facilities will be allowed remains with the State fish and wildlife

agency; (2) the activities and related facilities would not interfere with the purpose for which the lands were acquired or developed, or are managed; and (3) the cost of the activities and related facilities will not be paid for with Federal Assistance funds.

Sec. 9 What is the effective date of this Order? This Order is effective immediately. We will include the contents of this Order in Part 522 of the Fish and Wildlife Service Manual. This Order will expire on September 30, 2004, unless amended, superseded, or revoked

A handwritten signature in black ink, reading "Steve Williams". The signature is written in a cursive, flowing style.

DIRECTOR

Date: July 1, 2003